

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT R. BEESON

Appeal No. 1998-2462
Application No. 08/548,696

ON BRIEF

Before JERRY SMITH, BARRETT, and GROSS, Administrative Patent Judges.

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 5 through 8, which are all of the claims pending in this application.

Appellant's invention relates to a method of compacting a flexible ink supply container including a step of securing the interior surfaces together. Claim 5 is illustrative of the claimed invention, and it reads as follows:

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5. A method of compacting a flexible ink supply container that has opposing interior surfaces, the method comprising the steps of:

coupling the container to a reservoir of an ink-jet pen;
moving ink from the container to the coupled reservoir;
moving the opposing interior surfaces toward one another;
and
securing together the opposing interior surfaces thereby to prevent the opposing interior surfaces from thereafter moving apart.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Larkin 1966	3,260,412	Jul. 12,
Ausnit 1980	4,196,030	Apr. 01,
Causley et al. (Causley) 05, 1985	4,551,734	Nov.
Bauman 1994	5,323,932	Jun. 28,

Claims 5 through 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ausnit in view of Larkin and Causley.

Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ausnit in view of Larkin, Causley, and Bauman.

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Reference is made to the Examiner's Answer (Paper No. 26, mailed September 15, 1997) for the examiner's complete reasoning in support of the rejections, and to appellant's Brief (Paper No. 25, filed June 30, 1997) and Reply Brief (Paper No. 27, filed October 20, 1997) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejections of claims 5 through 8.

The examiner asserts (Answer, page 5) that Ausnit discloses all claim limitations except an array of barbed members and socket members and coupling the bag to a reservoir of an ink-jet pen and moving the ink into the reservoir. The examiner turns to Larkin for the array of barbed members and socket members "for providing a positive interlocking mechanism to a dispensing container," and to Causley "for . . . providing a flexible ink container having a collapsible

mechanism in an ink jet printer for easier replenishing of an ink supply container" (see Answer, page 6).

Causley discloses an ink cartridge with a collapsible ink bag for an ink jet printer. Inside the bag is probe supporting structure 174, or a platform, upon which the bag collapses as the ink is used. Larkin teaches (column 1, lines 38-47) that mechanical interlocking means (later disclosed as grooves and teeth on the opposing surfaces of the sides of the bag) can be used to maintain a collapsible dispensing container in a collapsed state to allow for a visual quantity check of the contents remaining in the container. Thus, in view of Larkin it would have been obvious to attach opposing surfaces of the sides of an ink bag together as the bag empties to be able to easily check how much ink remains in the ink bag. However, the sides of Causley's ink bag do not contact each other. Instead, they contact platform 174. Therefore, the combination of Causley and Larkin would not yield the step of "securing together the opposing interior surfaces ... to prevent the opposing interior surfaces from thereafter moving apart," recited in claim 5.

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Ausnit discloses using a fastener 15,17, to hold the bottom of a bag closed during filling of the bag. Thus, Ausnit is not relevant to the claim limitation of holding the interior surfaces of the empty bag together. Furthermore, Ausnit fails to suggest a modification of Causley that would allow the sides to be held together without platform 174, as required by the claim.

In addition, Causley fails to disclose coupling the container to a reservoir of an ink-jet pen and moving ink from the container to the coupled reservoir. Causley states (column 3, lines 63-66) that the ink flows from inside the ink container 16 to the outside of the cartridge, from which the ink is delivered to an ink jet head. Nowhere does Causley mention a reservoir. As neither Ausnit nor Larkin relates to an ink-jet printer, the combination fails to disclose the steps of coupling the container to a reservoir and moving ink to the reservoir. Accordingly, as the three references do not disclose all elements of the claimed invention, the examiner has failed to establish a prima facie case of obviousness. Therefore, we cannot sustain the obviousness rejection of claims 5 through 7.

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Regarding the rejection of claim 8 over Ausnit, Larkin, Causley, and Bauman, claim 8 depends from claim 5 and, therefore, includes all of the limitations of claim 5. Bauman fails to cure the deficiencies noted above for the rejection of claim 5 over Ausnit, Larkin, and Causley. Consequently, we cannot sustain the rejection of claim 8.

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CONCLUSION

The decision of the examiner rejecting claims 5 through 8
under 35 U.S.C. § 103 is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

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